

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 AF-10 ARA-16 EA-11 EUR-25 NEA-10

SCA-01 SY-10 SR-02 ORM-03 DRC-01 /200 W

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R 302003Z OCT 73

FM US MISSION USUN NY

TO SECSTATE WASHDC 622

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E.O. 11652: NA

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. DRAFTING COMMITTEE MET MORNING OCTOBER 30.
2. DISCUSSION OF ARTICLE 11 REVEALED THAT FRENCH TEXT WORD "POURSUITES" MEANS "PROSECUTION" AND NOT "LEGAL PROCEEDINGS," WHICH IS TERM USED IN ENGLISH TEXT. MOST MEMBERS OF COMITE WANTED TO FOLLOW FRENCH VERSION AND MAKE CLEAR THAT COMMUNICATIONS UNDER ARTICLE 11 ARE CONCERNED WITH FINAL OUTCOME OF PROSECUTION, NOT OF EXTRADITION PROCEEDINGS. UK PROPOSED FOLLOWING REVISION OF ENGLISH TEXT: "THE STATE PARTY WHERE AN ALLEGED OFFENDER IS PROSECUTED SHALL COMMUNICATE THE FINAL OUTCOME OF THE PROCEEDINGS TO THE SECRETARY GENERAL OF THE UNITED NATIONS, WHO SHALL TRANSMIT THE INFORMATION TO THE OTHER STATES PARTIES."

3. DISCUSSION OF PREAMBLE (TRANSMITTED USUN 4221) GOT BOGGED DOWN DURING CONSIDERATION OF SUGGESTION BY UKRAINE TO ADD "THE PRESERVATION OF PEACE" TO THE LIST OF PURPOSES AND PRINCIPLES OF THE CHARTER IN PARA 1. SOME

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SUGGESTED TAKING WORDING "MAINTENANCE OF INTERNATIONAL PEACE

AND SECURITY" DIRECTLY FROM CHARTER, WHILE OTHERS INSISTED IT NOT NECESSARY TO REPEAT ENTIRE CHARTER IN PREAMBLE. FURTHER CONSIDERATION OF PREAMBLE THEREFORE POSTPONED.

4. DRAFTING COMITE BEGAN FIRST READING OF ARTICLE 2. AFTER INITIAL SUGGESTION BY UK THAT BELGIUM-SPANISH-THAI TEXT BE USED AS BASIS FOR DISCUSSION WAS NOT ACCEPTED, COMITE BEGAN REVIEW OF ARTICLE PARA BY PARA, CONSIDERING ALL AMENDMENTS TO EACH PARA. ON INTRODUCTORY LANGUAGE TO PARA 1, MALI, FRANCE AND TUNISIA ARGUED FOR DELETION OF PHRASE "REGARDLESS OF MOTIVE." UK, US, SWEDEN, AND USSR ARGUED FOR RETENTION OF PHRASE. COMMENT: TUNISIAN INTERVENTION OMINOUSLY CONTAINED PASSING COMMENT THAT ACCEPTABLE MOTIVE COULD BE FIGHT FOR NATIONAL LIBERATION. AFTER MEETING, SOVIET REP MADE CLEAR HE STICKING TO COMMITMENT TO OPPOSE DELETION OF "REGARDLESS OF MOTIVE" OR ANY OTHER INSERTION OF MOTIVE ELEMENT, PER PARA 8 OF USUN 4308. HE EXPRESSED CONCERN ABOUT FRENCH POSITION. END COMMENT.

5. AT END OF MEETING, FRG REP READ NEW VERSION OF HIS ADDITIONAL PARA FOR ARTICLE 3: "WHENEVER ANY OF THE CRIMES REFERRED TO IN ARTICLE 2 HAS BEEN COMMITTED AGAINST AN INTERNATIONALLY PROTECTED PERSON THE STATE PARTY ON WHOSE BEHALF HE EXERCISED HIS FUNCTIONS SHALL BE GIVEN WITHOUT DELAY THE FULLEST POSSIBLE INFORMATION CONCERNING BOTH THE VICTIM AND THE CIRCUMSTANCES OF OF THE CRIME BY ANY OTHER STATE PARTY HAVING SUCH INFORMATION."

6. LEGAL COMMITTEE MEETING AFTERNOON OCT 30 AND TWICE ON BOTH OCT 31 AND NOV. ARRANGEMENTS HAVE BEEN MADE, HOWEVER, THAT WHENEVER MEETING OVER EARLY (OR CANCELLED) DRAFTING COMMITTEE WILL IMMEDIATELY MEET. IN ADDITION, EVENING MEETING OF DRAFTING COMMITTEE SCHEDULED FOR NOV 1. DELOFF ALSO MENTIONED TO CHAIRMAN SAHOVIC THAT MEETING SATURDAY NOV 3 MIGHT BE REQUIRED.

7. SAHOVIC ANNOUNCED THAT GONZALEZ-GALVEZ HOPING THAT DRAFTING COMMITTEE WOULD FINISH WORK THIS WEEK AND THAT SIXTH COMMITTEE COULD BEGIN SECOND READING OF CONVENTION ON PROTECTION OF DIPLOMATS MONDAY NOV 5.
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8. RE ASYLUM ISSUE, MEETING MENTIONED PARA 10 OF USUN 4263 HELD FOR TWO HOURS EVENING OCT 29, BUT NO PROGRESS MADE.
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